

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Phillip Washburn

v.

Case No. 16-cv-196-LM

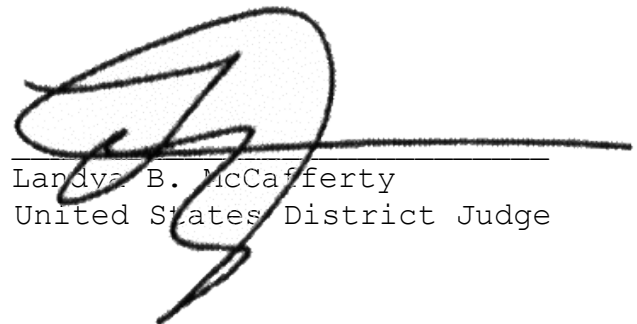
NH State Prison, Warden

O R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated January 17, 2017 (document no. 13), for the reasons set forth therein. Respondent's Motion to Dismiss (document no. 10) is granted. The Clerk of Court shall enter judgment in accordance with this order and close the case.

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.



Landya B. McCafferty
United States District Judge

Date: February 9, 2017

cc: Phillip Washburn, pro se
Elizabeth C. Woodcock, Esq.